

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 7<sup>th</sup> day of April, 1971,  
by and between the undersigned Owners and THE DETROIT EDISON COMPANY, a corporation  
organized and existing concurrently under the laws of the states of Michigan and  
New York, of 2000 Second Avenue, Detroit, Michigan, 48226, hereinafter referred to  
as "EDISON", and MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of  
1365 Cass Avenue, Detroit, Michigan, 48226, hereinafter referred to as "BELL".

W I T N E S S E T H :

WHEREAS, Owners are developing land for subdivision purposes in the  
Township of Bloomfield, Oakland County Michigan as  
described in Appendix "A", attached hereto and made a part hereof, and

WHEREAS, the plat of said subdivision will not be recorded until a later  
date and Owners desire EDISON and BELL to install their underground lines and  
facilities prior to said recording.

NOW, THEREFORE, in consideration of the mutual promises and covenants for  
the installation of underground utility service made by the parties hereto, it is  
hereby agreed:

(1) The installation, ownership and maintenance of electric services and  
the charges to be made therefor shall be subject to and in accordance with the Orders  
and Rules and Regulations adopted from time to time by the Michigan Public Service  
Commission.

(2) Easements for installation of electric and communication services are  
hereby granted by the Owners to EDISON and BELL as set forth in the attached copy of  
proposed plat. Any additional easements needed by EDISON and BELL shall be granted  
by Owners in a separate instrument, when approved by owners.

(3) Owners will place survey stakes indicating property lot lines before  
trenching.

(4) Where sewer lines will parallel electric and communication lines, sewer  
taps must be extended into each lot for a distance of one (1') foot beyond the  
easement limits. Underground sewer and water lines may cross but shall not be  
installed parallel within the six (6') foot easements used by EDISON and BELL.

(5) Owners must certify to EDISON and BELL that the easements are graded  
to within four (4") inches of final grade before the underground facilities are  
installed.

*Bloomfield Twp.  
Sec 7  
SW 1/4, S 1/2 (Wabek One)  
e  
Sec. 18  
SW 1/4, S 1/2 (Wabek One)*

RECORDED RIGHT OF WAY NO. 26731

(6) No excavations (except for public utility purposes) and no structures or permanent apparatus of any kind (except line fences and driveways) shall be allowed within the public utility easements used by EDISON and BELL. EDISON and BELL shall have no liability to Owners for removal of trees or plant life lying within said easements which, in the sole opinion of EDISON and BELL, interferes with their facilities or when removal is necessary to repair and maintain the underground service facilities.

(7) Owners to provide for clearing the easements of trees, large stumps and obstructions sufficient to allow trenching equipment to operate.

(8) No shrubs or foliage shall be permitted on Owners property within (5') feet of the front doors of transformers or switching cabinets.

(9) Owners further agree that if subsequent to the installation of the utility facilities of EDISON and BELL, it is necessary to repair, move, modify, rearrange or relocate any of their facilities to conform to a new plot plan or change of grade or for any cause or changes attributable to public authority having jurisdiction or to Owners action or request, Owners will pay the cost and expense of repairing, moving, rearrangement or relocating said facilities to EDISON and BELL upon receipt of a statement therefor. Further, if the lines or facilities of EDISON and BELL are damaged by acts of negligence on the part of the Owners or by contractors engaged by Owners, repairs shall be made by the utilities named herein at the cost and expense of the Owners and reimbursement shall be paid to EDISON or BELL upon receiving a statement therefor. Owners are defined as those persons owning the land at the time damage occurred.

(10) Owners hereby grant EDISON and BELL the right to install their secondary service and communication lines from termination of utility facilities to the meter or communication terminal point as the case may be.

(11) Owners of each lot will pay EDISON for service lateral conductors an amount equal to the straight line measurement in feet from the termination of utility facilities at the front or rear property line to Owners meter entrance multiplied by \$1.25. Where special routing is required, the charge of \$1.25 per foot will apply to the route of the lines as installed. These charges are subject to change and modification by Orders, from time to time, by the Michigan Public Service Commission.

(12) EDISON will own and maintain the secondary service lateral from the property line to Owners meter location except such costs or expenses incurred as set forth in Paragraph (9) above shall be borne by Owners.

(13) Upon the further acceptance and recording of the plat for the above described land, the easements herein granted and all the terms and conditions thereof shall merge with and be part of the private easements for public utilities indicated on said plat, only on condition that there is no dedication to the use of the public for said easements. The utility making use of such easements shall pay all the costs incurred by all prior public utility users in relocating or rearranging their facilities to make the easements available for subsequent use.

This Agreement-Easement-Restriction shall run with the land and shall inure to the benefit of and be binding upon the respective heirs, administrators, executors, personal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have set their hands and seals on the day and year first above written.

IN THE PRESENCE OF:

Hazel L. Brandau  
Hazel L. Brandau

Irene C. Kata  
IRENE C. KATA

Marsha Pavelka  
MARSHA PAVELKA

Karen Guenther  
KAREN GUENTHER

THE DETROIT EDISON COMPANY

By W. C. Arnold  
W. C. ARNOLD, DIRECTOR  
Real Estate and Rights of Way Dept.  
By Evelyn M. Lehman  
Evelyn M. Lehman Assistant Secretary

MICHIGAN BELL TELEPHONE COMPANY

By Carl T. Hall  
CARL T. HALL  
Staff Supervisor, Right of Way  
(Authorized signature)

Chrysler Realty Corporation  
A Delaware Corporation  
1 Northfield Plaza  
Troy, Michigan 48064

By H. Gordon Wyllie  
H. Gordon Wyllie, Vice President

John E. Schappel  
JOHN E. SCHAPPEL

Dolores R. Clark  
DOLORES R. CLARK

Del E. Webb Wabeek, Inc.  
An Arizona Corporation  
3800 N. Central Avenue  
Phoenix, Arizona 85012

By B. R. Doss  
B.R. Doss, President

George A. Kirk  
George A. Kirk

Diane E. Patton  
Diane E. Patton

d/b/a Chrysler Wabeek Development  
Company, A Joint Venture

RECORDED RIGHT OF WAY NO. 36731

The Detroit Bank and Trust Company  
A Michigan Banking Corporation  
211 West Fort Street  
Detroit, Michigan

Alice L. Snider  
ALICE L. SNIDER

Barbara A. Connelly  
BARBARA A CONNELLY

By B. James Theodoroff  
B. James Theodoroff  
Senior Vice President

Trustee under a certain Trust Agreement  
designated the "Bloomfield Hills Property"  
Trust Agreement.

State of Michigan

County of OAKLAND

On this 7th day of APRIL, 1971, before me, a Notary Public in and for said County personally appeared H. Gordon Wyllie to me personally known who being by me duly sworn, did say that he is Vice President of Chrysler Realty Corporation, the corporation named in and which executed the foregoing instrument and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and the said H. Gordon Wyllie acknowledged said instrument to be the free act and deed of said corporation.

My commission expires: \_\_\_\_\_

Harry D. Prouty  
Notary Public

County, Michigan

HARRY D. PROUTY  
NOTARY PUBLIC, OAKLAND COUNTY, MICH.  
MY COMMISSION EXPIRES APR. 4, 1972  
BONDED THROUGH MICHIGAN NOTARY ASSOCIATION

State of Michigan

County of OSHTON

On this 4th day of APRIL, 1971, before me, a Notary Public in and for said County personally appeared Bill R. Doss to me personally known who being by me duly sworn, did say that he is President of Del E. Webb Wabeek, Inc., the corporation named in and which executed the foregoing instrument and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and the said Bill R. Doss acknowledged said instrument to be the free act and deed of said corporation.

My commission expires: Aug. 24, 1972

Charles W. Kirkpatrick  
Notary Public

County, Michigan

CHARLES W. KIRKPATRICK

RECORDED RIGHT OF WAY NO. 24751

State of Michigan

County of Wayne

On this 27 day of April, 1971, before me a Notary Public in and for said County personally appeared B. James Theodoroff to me personally known who by me being duly sworn, did say that he is a Senior Vice President of the Detroit Bank and Trust Company, the corporation named in and which executed the foregoing instrument as Trustee under a certain Trust Agreement designated the "Bloomfield Hills Property", Trust Agreement and said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and the said B. James Theodoroff acknowledged said instrument to be the free act and deed of said corporation acting as Trustee.

My commission expires: 9-7-74

ALICE L. SNIDER

Notary Public, Wayne County, Mich.

My Commission Expires Sept. 7, 1974

Alice L. Snider  
Notary Public

Wayne County, Michigan

APPENDIX "A"

The proposed "Wabeek One"; part of the W 3/4 of Section 18, And part of the south 1/2 of the southwest 1/4 of section 7, T2N, R10E, Bloomfield Township, Oakland County, Michigan, described as follows: Commencing at the NW corner of Section 18, the point of beginning; thence S 87° 36' 10" E. 1,112.39 feet along the south line of "Shorewood Hills", a subdivision recorded in Liber 97 of Plats, Page 10, Oakland County Records, Oakland County, Michigan; thence N. 50° 28' 10" E. 110.00 feet along a continuation of said south line; thence S. 60° 20' 17" E. 85.29 feet; thence on a curve to the right, radius 2030 feet for a distance of 42.37 feet; thence S. 50° 00' 00" E, a distance of 60.00 feet across Wabeek Lake Drive West; thence on a curve to the left, radius 1,970 feet for a distance of 29.69; thence S. 50° 52' 45" E. 180.00 feet; thence S. 19° 59' 53" W. 136.22 feet; thence S. 47° 39' 11" W. 143.18 feet; thence S. 28° 45' 24" W. 282.70 feet; thence S. 08° 34' 00" W. 295.86 feet; thence S. 44° 56' 38" E. 162.57 feet; thence S. 34° 10' 00" W. 300.00 feet; thence S. 34° 10' 00" W., a distance of 60.00 feet to the center of West Long Lake Road; thence on a curve to the left, radius 3,038.71 feet, a distance of 668.69 feet along the center line of West Long Lake Road; thence N. 68° 26' 30" W. a distance of 496.78 feet along said centerline; thence N. 00° 29' 30" E. a distance of 780.88 feet along the west line of "Bel Aire", a subdivision recorded in Liber 57 of Plats, Page 38, Oakland County Records, Oakland County, Michigan to the point of beginning.

RECORDED RIGHT OF WAY NO. 26751

STATE OF MICHIGAN )  
                                  ) SS  
COUNTY OF WAYNE )

On this 7th day of May, 1971, before me, the  
subscriber, a Notary Public in and for said County, personally appeared  
W. C. Arnold and Evelyn M. Lehman  
to me personally known, who being by me duly sworn, did say that they are  
the Director, RE & R/W Dept. and an Assistant Secretary  
of THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently  
under the laws of Michigan and New York, and that the seal affixed to said  
instrument is the corporate seal of the said corporation, and that said instrument  
was signed in behalf of said corporation by authority of its Board of Directors  
and W. C. Arnold and Evelyn M. Lehman  
acknowledged said instrument to be the free act and deed of said Corporation.

My Commission expires: June 24, 1972

Irene C. Kata  
Notary Public IRENE C. KATA

Wayne County, Michigan

STATE OF MICHIGAN )  
                                  ) SS  
COUNTY OF OAKLAND )

On this 3<sup>rd</sup> day of May, 1971, before me, the  
subscriber, a Notary Public in and for said County, appeared CARL T. HALL  
to me personally known, who being by me duly sworn, did say that he is Staff  
Supervisor of Right of Way, authorized by and for MICHIGAN BELL TELEPHONE COMPANY,  
a Michigan Corporation, and that the said instrument was signed in behalf of said  
Corporation, by authority of its Board of Directors, and CARL T. HALL  
acknowledged said instrument to be the free act and deed of said Corporation.

My Commission expires: \_\_\_\_\_

Melford Hartman  
Notary Public

\_\_\_\_\_  
County, Mich.

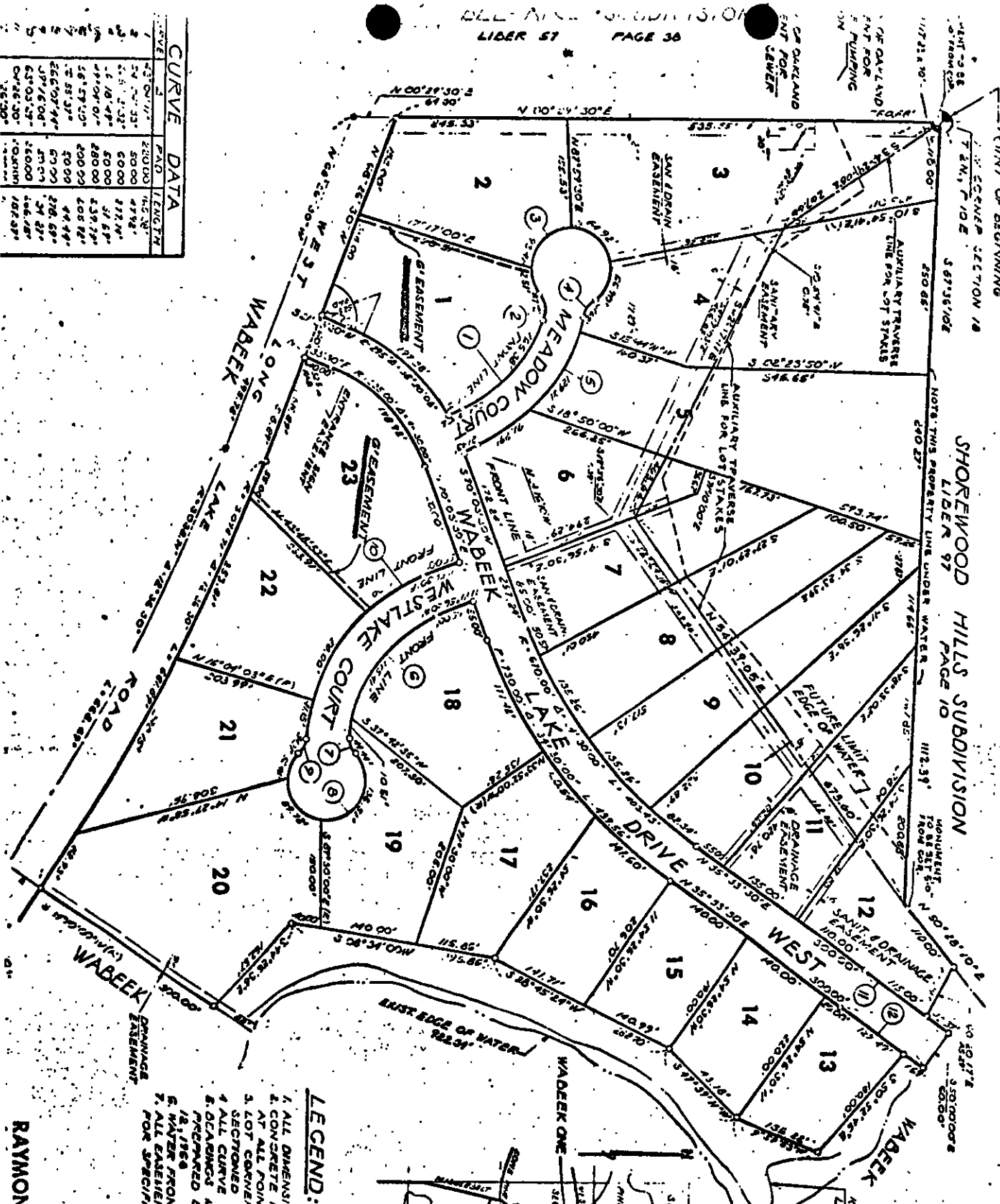
MELFORD HARTMAN  
Notary Public, Wayne County, Mich.  
Acting in Oakland County  
My Commission Expires Oct. 3, 1971

RECORDED RIGHT OF WAY NO. 26751

# "AS PROPOSED" WABEEK ONE

PART OF THE W 3/4, SECTION 18, T2N, R.10E  
BLOOMFIELD TWP. OAKLAND COUNTY, MICHIGAN

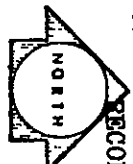
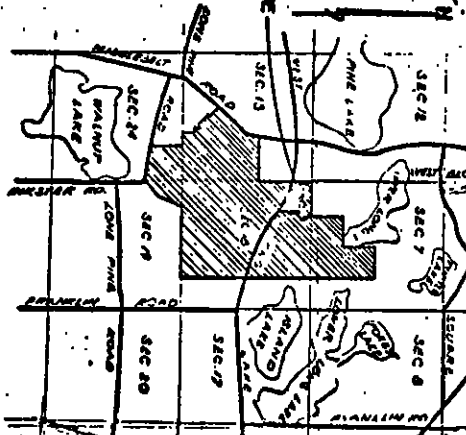
SHOREWOOD HILLS SUBDIVISION  
LIDER 97 PAGE 10



NO.	BEARING	LENGTH	AREA
1	N 00° 22' 30" E	220.00	47.82
2	N 00° 22' 30" E	50.00	4.78
3	N 00° 22' 30" E	50.00	4.78
4	N 00° 22' 30" E	50.00	4.78
5	N 00° 22' 30" E	50.00	4.78
6	N 00° 22' 30" E	50.00	4.78
7	N 00° 22' 30" E	50.00	4.78
8	N 00° 22' 30" E	50.00	4.78
9	N 00° 22' 30" E	50.00	4.78
10	N 00° 22' 30" E	50.00	4.78
11	N 00° 22' 30" E	50.00	4.78
12	N 00° 22' 30" E	50.00	4.78
13	N 00° 22' 30" E	50.00	4.78
14	N 00° 22' 30" E	50.00	4.78
15	N 00° 22' 30" E	50.00	4.78
16	N 00° 22' 30" E	50.00	4.78
17	N 00° 22' 30" E	50.00	4.78
18	N 00° 22' 30" E	50.00	4.78
19	N 00° 22' 30" E	50.00	4.78
20	N 00° 22' 30" E	50.00	4.78
21	N 00° 22' 30" E	50.00	4.78
22	N 00° 22' 30" E	50.00	4.78
23	N 00° 22' 30" E	50.00	4.78

**LEGEND:**

1. ALL DIMENSIONS ARE IN FEET
2. CONCRETE MONUMENTS HAVE BEEN PLACED AT ALL POINTS MARKED "O"
3. LOT CORNERS HAVE BEEN MARKED WITH "I" SECTIONED IRON 1/2" IN LENGTH
4. ALL CURVE DIMENSIONS ARE ARC LENGTHS
5. DEBARNS WERE ESTABLISHED FROM SURVEY PREPARED BY HANF & FORK, INC. DATED 11/18/1968
6. WATER FRONT LOTS EXTEND AS SHOWN
7. ALL EASEMENTS SHOWN ARE PUBLIC EASEMENTS FOR SPECIFIC USE NOTED



RECORDED RIGHT OF WAY NO. 26731

RAYMOND KEY ENGINEER

**MEMORANDUM ORDER**  
FOR GENERAL USE  
DE FORM MS 77 12-53

TO Eng. Coordinator Supervisor - N-250 W.B.C. DATE 5-5-71 TIME \_\_\_\_\_

RE: UNDERGROUND & VICK - Week One Sub. - Bloom. 1st Twp., Oakland County

Agreement-easement-restrictions obtained. OK to proceed with construction.

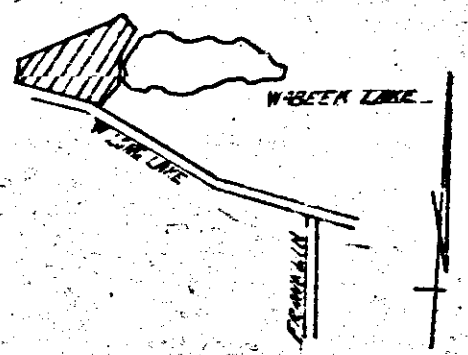
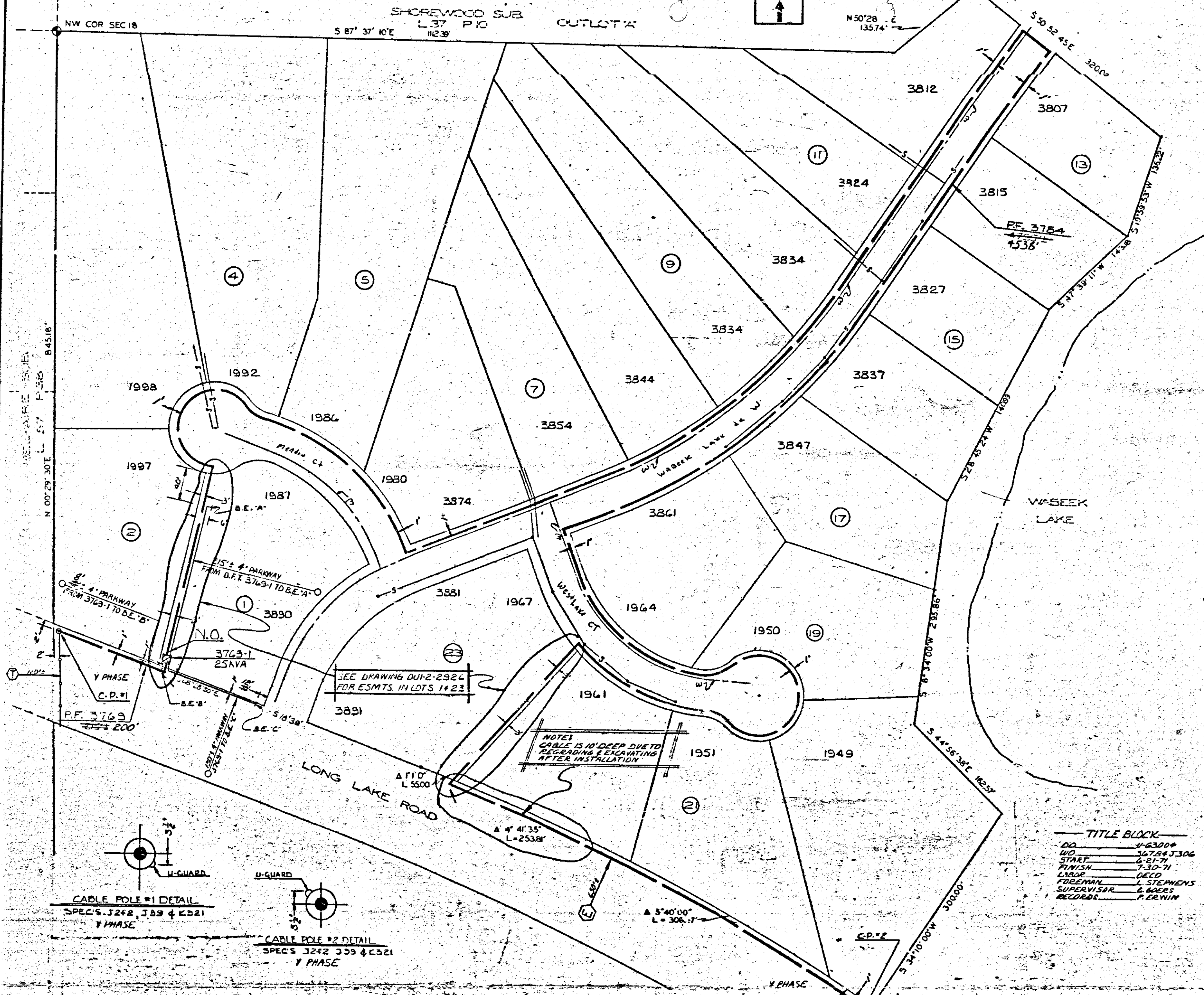
COPIES TO C. Thomas - Pontiac Ser. Ctr.

SIGNED *P.A.M.*  
P. A. Marquardt  
Law Department

REPORT \_\_\_\_\_

DATE RETURNED \_\_\_\_\_ TIME \_\_\_\_\_ SIGNED \_\_\_\_\_





UG-BLM-37-183

**NOTES**  
 ALL TRENCHING & BACKFILLING TO BE DONE BY D.E.CO.  
 ALL TRENCH & CABLE LENGTHS ARE APPROXIMATE.  
 FOR GAS INFORMATION CONTACT CONSUMER'S POWER CO.  
 PHONE 543-5000 PRIOR TO CONSTRUCTION.  
 M.B.T. ENGINEER: HARRY COLLINS 542-9917  
 D.E. SERV. PLANNER: CARL THOMAS 644-3040 EXT. 13-223  
 SEWER & WATER LOCATIONS ARE APPROXIMATE

**TRENCH SUMMARY**

JOINT USE	4170'
D.E. ONLY	630'
M.B.T. ONLY	150'
<b>TOTAL</b>	<b>4950'</b>

**CABLE SUMMARY**

**PRIMARY**  
 ITEM NO. 72APEC# 13.2EV (713-3029) 5010'

**CONSTRUCTION SUPERVISORS**  
 D.E.CO. C. GOERS A-417 N.S.C. PHONE 962-2100 EXT. 3074  
 M.B.T.CO. C. HEICHEL PHONE 351-5950

**PERMITS REQ'D**  
 OAKLAND COUNTY ROAD COMMISSION  
 BLOOMFIELD TOWNSHIP (NOTIFICATION ONLY)

**TRANSFORMER DATA**

EFT. NO.	SIZE	IED. SFR. NO.
3769-1	25KVA	241-1151

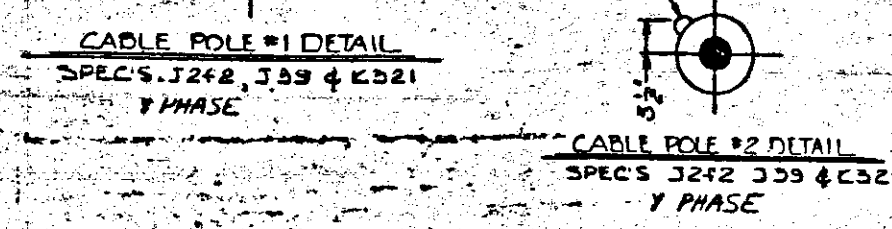
SPECS-R-351E, R21  
 23 UNITS

**TITLE BLOCK**

DO: 4-6300#  
 MO: 36784 J.306  
 START: 6-21-71  
 FINISH: 7-30-71  
 LABOR: DEED  
 FOREMAN: L. STEPHENS  
 SUPERVISOR: C. GOERS  
 RECORDS: P. ERWIN

**DIST. CIR- 312 KEEGO**  
 INITIAL & ULTIMATE 13.2EV (THELV 150-UP)

T & D W.O.# 36704 23



NOTE:  
 CABLE IS 10' DEEP DUE TO  
 REGRADING & EXCAVATING  
 AFTER INSTALLATION

SEE DRAWING OUI-2-2926  
 FOR ESMTS. IN LOTS 1 & 23

D REVISION		C REVISION		B REVISION		A REVISION		OTHER APPROVAL		NAME		DATE		DRAWING		THE DETROIT Edison COMPANY	
						REVISED TO SHOW "AS INSTALLED" JOB COMPLETE				GORDON W.		11-1-71		U. B. T. SYSTEM		TRANSMISSION AND DISTRIBUTION DEPARTMENT	
										C. FOLEY		2-24-71		WABEEK ONE SUB.		SCALE: 1" = 50'	
										P. ERWIN		2-24-71		PART OF NW 1/4 SEC 18 T 2 N, R 10 E		DATE: 11-1-71	
										SEE DRAWING OUI-2-2926 FOR ESMTS. IN LOTS 1 & 23				BLOOMFIELD OAKLAND CO		SHEET 1 OF 1	

RECORDED RIGHT OF WAY NO. 26731